

CASE NO. 08-CV-5996 (VM)(AJP)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TWANA ADAMS, *et al.*,  
PLAINTIFFS,

-against-

NEW YORK STATE EDUCATION DEPARTMENT, *et al.*  
DEFENDANTS.

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**OBJECTIONS OF NICHOLAS A. PENKOVSKY  
TO THE MAY 24, 2012 ORDER OF MAGISTRATE JUDGE PECK  
(District Court Docket No. 322)**

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LAW OFFICES OF NICHOLAS A. PENKOVSKY, P.C.  
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Brandi Dawn Scheiner, Thomasina Robinson*  
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**JURISDICTIONAL STATEMENT AND REQUEST FOR RELIEF**

Pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72, Nicholas A. Penkovsky, attorney for plaintiffs Michael Ebewo, Joann Hart, Julianne Polito, Brandi Scheiner, and Thomasina Robinson, makes and files his Objections to the Order of United States Magistrate Judge Andrew J. Peck dated May 24, 2012 (District Court Docket No. 322).

Nicholas A. Penkovsky (“Mr. Penkovsky”) respectfully asks the Court to issue an Order:

(1) Rejecting said Order (District Court Docket No. 322) to the extent that the Order sets forth a monetary requirement to practice law that is not founded upon the law, or bar admissions in the State of New York or the United States District Courts for the Southern or Eastern District of New York.

**TIMELINESS OF OBJECTIONS**

On May 24, 2012, Mr. Penkovsky received the Order by e-mail from the ECF office of the United States District Court for the Southern District of New York.

**ARGUMENT**

The Order as to it setting forth a monetary requirement that an attorney must have in reserve is not founded upon any rules for Bar Admission in the State of New York or the United States District Courts for the Southern or Eastern District of New York.

Carried to its logical extreme, lawyers who have scant financial resources or whose large firms file for bankruptcy protection would not be permitted to practice law.

The Order failed to cite any law for this proposition and it must be rejected as contrary to law and clearly erroneous.

## CONCLUSION

For the foregoing reasons, the Order at District Court Docket No. 322 must be rejected as to a monetary reserve required to practice law.

Dated: June 7, 2012  
Riverdale, NY

Respectfully submitted,

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By: \_\_\_\_\_ /s/

Nicholas A. Penkovsky, Esq. NP 0134